

COMMISSIONERS APPROVAL

GRANDSTAFF

ROKOSCH

THOMPSON

CHILCOTT

DRISCOLL

Present.....Commissioner Carlotta Grandstaff,  
Commissioner Alan Thompson, Commissioner Greg Chilcott and Commissioner  
Kathleen Driscoll

Date.....October 30, 2008

Minutes: Beth Perkins

- Commissioner Chilcott spoke at Stevensville High School in the morning.
- The Board met for a public hearing for Shoshone Lakes Two Variance requests for future Shoshone Lakes Major subdivision. Present were Interim Planning Director John Lavey and Consultant Emily Corsey.

Commissioner Grandstaff opened the public hearing and requested any conflicts of interest. Hearing none, she then requested the Planning Staff report be read.

John presented the Staff report as follows:

**SHOSHONE LAKES TWO VARIANCE REQUESTS  
FOR A FUTURE SHOSHONE LAKES MAJOR SUBDIVISION APPLICATION**

**STAFF REPORT FOR PLANNING BOARD**

**CASE PLANNER:** John Lavey

**REVIEWED/  
APPROVED BY:** Tristan Riddell

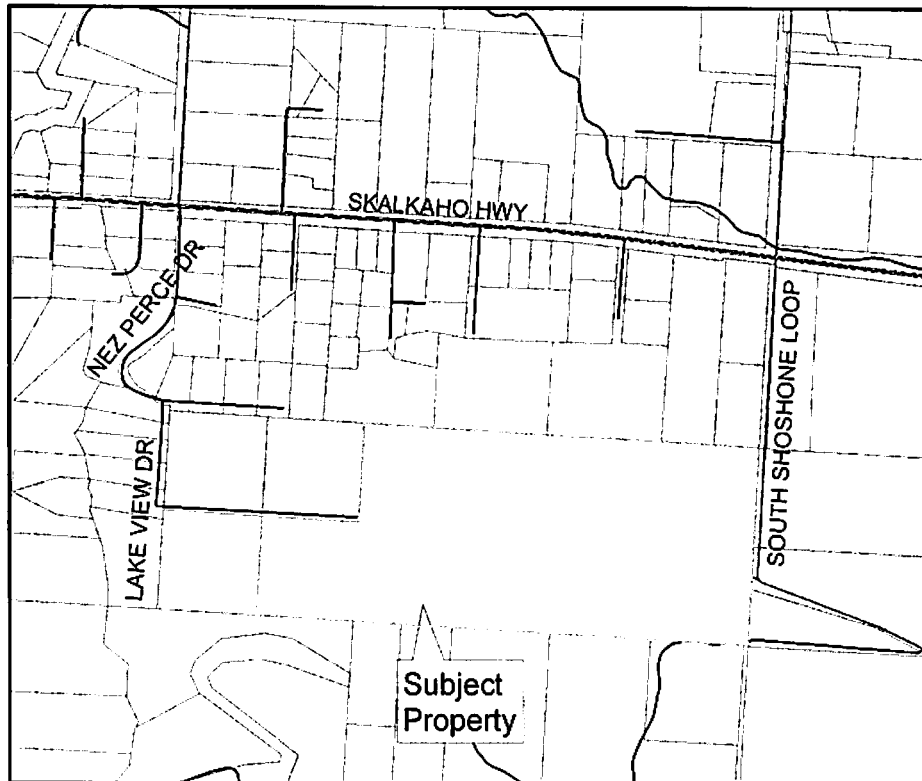
**PUBLIC HEARINGS/  
MEETINGS:**

Planning Board Public Meeting	7:00 p.m. October 1, 2008
BCC Public Hearing:	9:00 a.m. October 30, 2008
Deadline for BCC action:	November 12, 2008

**OWNER:** Caroline Duth  
5523 Haugen Dr.  
Missoula, MT 59803

**APPLICANT:** Drake Lemm Construction, Inc.  
PO Box 56  
Lolo, MT 59847

**LOCATION OF REQUEST:** The property is located southeast of Hamilton off South Shoshone Loop. (See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

Tract 3A of COS #607129-R, located in Section 17,  
T5N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The variance applications were determined sufficient on August 20, 2008. Agencies were notified of the variance on July 29, 2008 and September 19, 2008. Comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-9 of the staff report. **This variance is being reviewed under the subdivision regulations amended May 24, 2007.**

**LEGAL NOTIFICATION:**

Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked September 19, 2008. Public comments received by the Planning Department are included as Exhibits B-1 through B-5.

**DEVELOPMENT  
PATTERN:**

Subject property:	Low-Density Residential
North:	Low-Density Residential
South:	Agricultural/residential rural
East:	Farmstead/residential rural
West:	Vacant land/rural

**INTRODUCTION**

The subject property is accessed via Skalkaho Highway and South Shoshone Loop. Variance Request #1 is from Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations (RCSR), which states that cul-de-sacs for roads classified as local roads shall not exceed 1,400 feet in length. The applicant is proposing an internal cul-de-sac approximately 2,700 feet in length. Variance Request #2 is from RCSR Section 5-4-5(d), to relieve the applicant from paying pro-rata on South Shoshone Loop, and instead allow the developer to make physical improvements to South Shoshone Loop.

The variance requests were submitted ahead of the subdivision application. The Planning Board and Board of County Commissioners will review these variance requests initially, and following a determination on the variance requests, the Planning Board and Board of County Commissioners will have the opportunity to evaluate the subdivision proposal once it is submitted. The applicant is planning to propose a 12-lot major subdivision of 90.8 acres if the variance requests are approved.

*Staff recommends conditional approval of Variance #1, and conditional approval of Variance #2.*

**RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS  
OCTOBER 30, 2008**

**SHOSHONE LAKES VARIANCE REQUESTS  
FOR THE FUTURE SHOSHONE LAKES MAJOR SUBDIVISION  
APPLICATION**

**RECOMMENDED MOTIONS**

1. That the variance request from Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations, which states that the maximum length of a cul-de-sac for roads classified as local roads shall not exceed 1,400 feet, be ***conditionally approved***, based on the findings of fact and conclusions of law in the staff report, and subject to the condition in the staff report.
2. That the variance from Section 5-4-5(d) of the Ravalli County Subdivision Regulations, which would require the applicant to pay pro-rata, be ***conditionally approved***, based on the findings of fact and conclusions of law in the staff report, and subject to the condition in the staff report.

**RECOMMENDED MITIGATING CONDITIONS**

1. Prior to final plat approval, the applicant shall provide evidence that the Hamilton Rural Fire District has approved the location and construction of the turnaround at the 1,400-foot length and the cul-de-sac at the 2,700-foot length along the internal subdivision road. (Variance #1)
2. The applicant shall submit the design for South Shoshone Loop along with the design for the internal subdivision road with the preliminary plat submittal. The design shall show that South Shoshone Loop is proposed to be constructed consistent with adopted design and post-construction review standards, and that a full 60-foot wide public road and utility easement will be dedicated to the County. (Variance #2)

**VARIANCE REQUEST #1**

The applicant has requested a variance from Section 5-4-4(h), Table B-1 of the RCSR to allow for the construction of a cul-de-sac road exceeding the maximum allowed length of 1,400 feet. Chapter 2 of the RCSR defines a cul-de-sac road as "a street having only one outlet for vehicular traffic and terminating in a vehicle turn-around area". The proposed cul-de-sac road is approximately 2,700 feet in length.

**Variance Analysis**

Section 7-3-5(a), RCSR, outlines two sets of criteria to be used in analyzing a variance request.

#### Prerequisite Variance Criteria

In order for a variance to be considered for approval, the BCC must first weigh whether the variance request meets these prerequisites:

1. Strict compliance with these regulations will result in undue hardship.
2. Compliance is not essential to the public welfare.

#### Variance Review Criteria

After a determination is made on both prerequisite criteria, the BCC may then consider the five variance review criteria:

- A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.
- B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.
- C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).
- D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.
- E. The variance will not cause a substantial increase in public costs.

Both sets of criteria were reviewed simultaneously. Findings for Prerequisite Criterion #1 are based on an analysis of Variance Review Criteria B and C. Findings for Prerequisite Criterion #2 are based on an analysis of Variance Review Criteria A, D, and E.

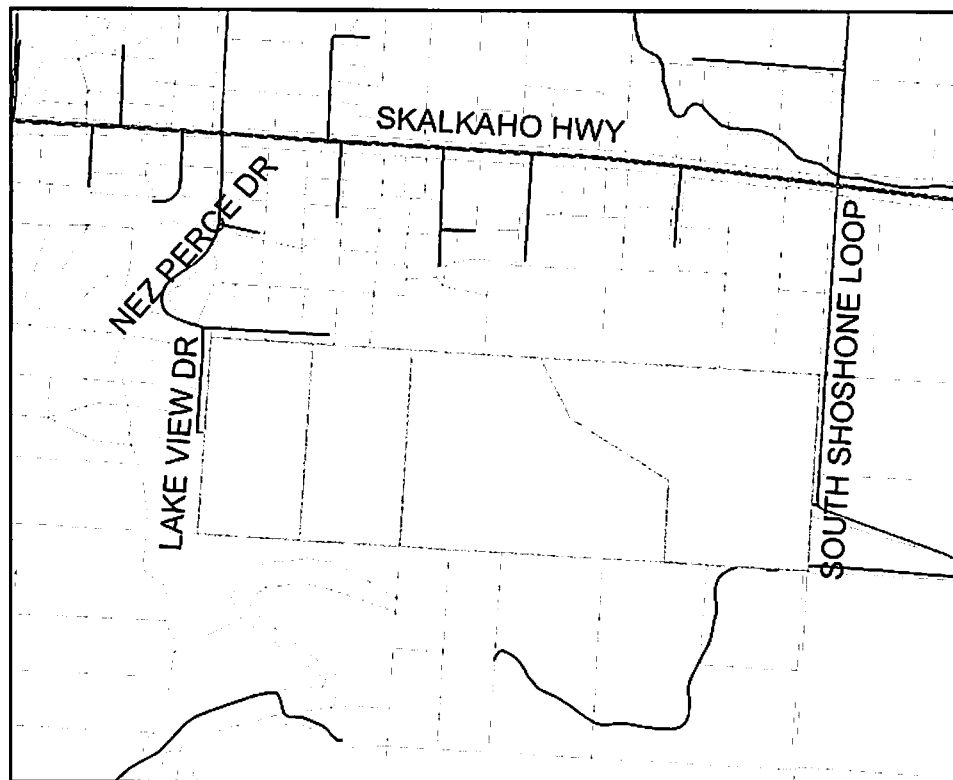
#### Five Variance Review Criteria

- A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

##### Findings of Fact:

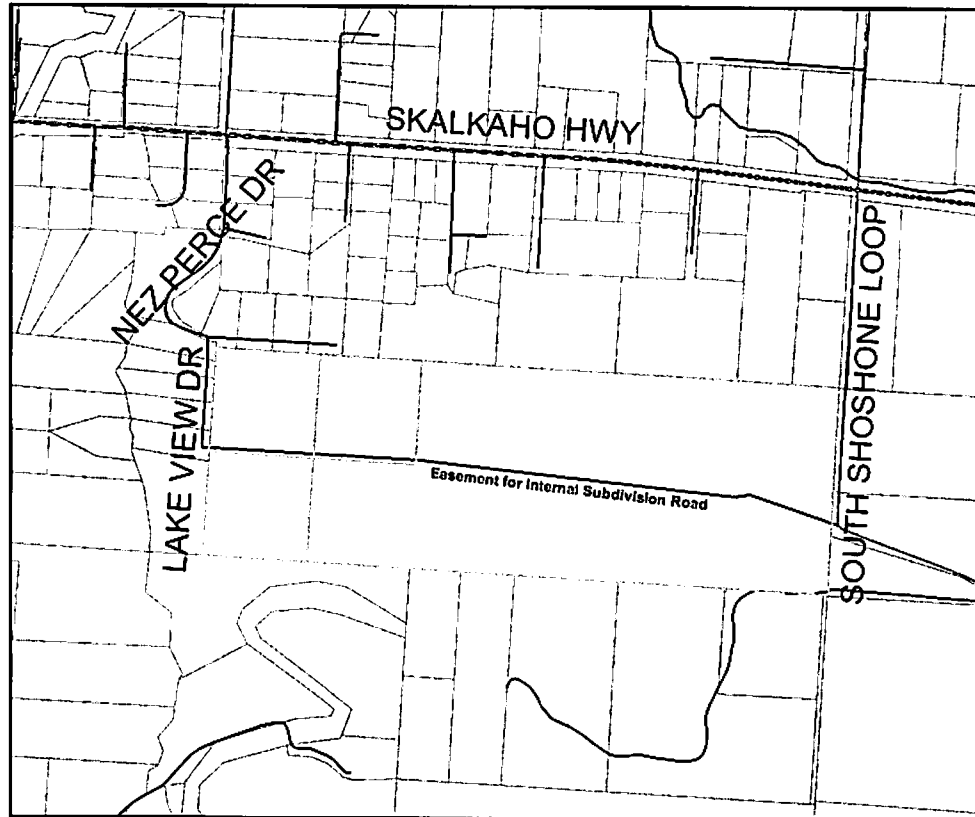
1. The property is bordered on the east by South Shoshone Loop, a County-maintained road, and on the west by Lakeview Drive and Nez Perce Drive, non-County-maintained private roads located within private easements. (Shoshone Lakes Variance Application)
2. The applicant is proposing that the 12-lot subdivision will be served by the internal subdivision road and South Shoshone Loop via Skalkaho Highway. The proposed subdivision will generate approximately 96 trips per day to the road system. (Shoshone Lakes Variance Application)

3. The applicant is proposing to construct a cul-de-sac approximately 2,700 feet in length. The road is proposed to meet county standards, except for cul-de-sac length, with a 20-foot wide paved travel surface and two-foot shoulders. (Shoshone Lakes Variance Application, Staff Determination)
4. Section 5-4-4(h), Table B-1 of the RCSR allows a maximum cul-de-sac length of 1,400 feet for local roads. (Ravalli County Subdivision Regulations)
5. At the time the application was initially submitted on July 25, 2008, the boundary lines of the property were configured differently than they are at present. See Map 2. (Shoshone Lakes Variance Application)
6. The applicant applied for a boundary line relocation on July 18, 2008. (SEA-08-82)
7. The boundary line relocation was approved on August 8, 2008 and filed on August 12, 2008. (SEA-08-08 and COS #607129-R)
8. The boundary line relocation included the platting of a 60-foot private access easement/utility easement that connects South Shoshone Loop to Lakeview Drive. See Map 3. (COS #607129-R)
9. Notification letters were sent to Bitterroot Disposal, Marcus Daly Memorial Hospital, the Hamilton Post Office, and the Ravalli County Sherriff requesting comments on July 29, 2008 and September 19, 2008, but no comments have been received. (Shoshone Lakes Variance Application)
10. In a letter received August 21, 2008, Lisa Wade, Hamilton Rural Fire District Secretary, stated that the Hamilton Rural Fire District and the City of Hamilton Fire Chief reviewed the variance requests. They requested that turn around areas be constructed at the 1,400-foot and 2,700-foot intervals along the roadway. (Exhibit A-1)



**Map 2: Lot Configuration prior to August 12, 2008**  
Data Source: Ravalli County GIS Department

11. Planning Staff contacted Lisa Wade via e-mail on August 28, 2008 to request clarification on the District's position on the variance requests. (Exhibit A-3)
12. In a letter received September 8, 2008, Lisa Wade states that, to mitigate the impact of the subdivision on the Hamilton Rural Fire District's ability to provide fire protection, the District prefers having "a developed road that transverses the entirety of the subject property..." and that all roads leading to and within the subdivision be built to meet County standards. Lisa does not state that her original recommendation no longer stands. (Exhibit A-2)
13. Prior to the October 1, 2008 Planning Board meeting, an adjoining landowner provided a recorded easement document stating explicitly that Lake View Drive and Nez Perce Drive are located within a private road easement. (Exhibit B-1)
14. The applicant has not provided evidence that adjoining landowners have given him permission to access Lake View Drive and Nez Perce Drive, and at the October 1, 2008 Planning Board meeting, several adjoining landowners were in attendance to express that they would not give the applicant legal access to the private road easement. (10/1/08 Planning Board meeting, Staff Determination)
15. The County cannot require adjacent landowners to provide private developers an easement across their land. (Staff Determination)
16. Because Lake View Drive and Nez Perce Drive are non-County maintained roads within a private easement, and the applicant does not have permission to access said easement, there is no legal access to Lake View Drive or Nez Perce Drive from this proposal. (Staff Determination)



**Map 3: Lot Configuration after August 12, 2008**  
 [Note placement of easement. Reference COS #607129-R]  
 Data Source: Ravalli County GIS Department

17. Even if legal access were provided on Lake View Drive, there is currently a home constructed at the intersection of the easement of Lake View Drive and the easement provided for in COS- #607129-R. The construction of a through road from South Shoshone Loop to Lake View Drive would be substantially injurious to this property owner, because that property owner would be asked to demolish portions of his improved property. (Staff Determination)
18. *To mitigate impacts of this variance request to the public's health, safety and general welfare, the applicant shall, prior to final plat approval, provide evidence that the Hamilton Rural Fire District has approved the location and construction of the turnaround at the 1,400-foot length and the cul-de-sac at the 2,700-foot length of the internal road. (Condition 1)*

**Conclusions of Law:**

1. A physical connection to Lake View Drive is not possible, because adjoining landowners would be damaged.
2. There is no legal access to Lake View Drive or Nez Perce Drive.



3. The Hamilton Rural Fire District finds that a turn around area at the 1,400 foot length and 2,700 foot length satisfies their requirements for safe ingress and egress.
4. The granting of the variance will not be substantially detrimental to public health and safety.

**B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

Findings of Fact:

1. The application states that the situation is unique because the property "only has legal access from the east". (Shoshone Lakes Variance Application)
2. The proposal as presented is not the only design available for a subdivision on this property. The developer could have designed the subdivision with an entire network of roads, alleviating the need for a cul-de-sac. (Staff Determination)
3. Finding 4, Section 5-4-1 of the RCSR states: "Roads are an important factor in community and subdivision design. Improperly designed roads and intersections can negatively affect the safety and efficiency of private and public roads. Furthermore, they can create unnecessary maintenance costs, limit a parcel's development potential, and limit a project's desirability."
4. There is no evidence in the application proving that an alternative road design would create unnecessary maintenance costs, limit the parcel's development potential, or limit the project's desirability. (Staff Determination)

Conclusion of Law:

The conditions upon which the variance is requested are not unique to the subject property.

**C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

Findings of Fact:

1. The application states that there is only one location where a road can be constructed to reach the upper portion of the property at a grade less than 10%. (Shoshone Lakes Variance Application)
2. The "upper portion" of the property is relatively level and does not appear to have slopes greater than 10%. (Site visit, September 2, 2008)
3. There are many alternate designs that could meet the 10% requirement. (Staff Determination)
4. The application states that the limitation of legal access as noted in the Title Report is arguably a physical condition. (Shoshone Lakes Variance Application)
5. Legal access is not a physical condition. (Staff Determination)

Conclusion of Law:

Physical conditions do not prevent the applicant from meeting the strict letter of the regulations.

**D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2193). The proposed subdivision density of a future subdivision application complies with Resolution 2193.
2. The subject property is located within the South Shoshone Loop voluntary zoning district. The district establishes a minimum lot size of five acres, and does not address road standards. (Permanent file #7839)
3. The provisions in the Growth Policy do not address public health and safety issues.

Conclusions of Law:

1. Ravalli County's interim zoning regulations and the voluntary zoning district standards associated with the property do not pertain to road construction.
2. There are no provisions in the Growth Policy that are related to this variance request.

**E. The variance will not cause a substantial increase in public costs.**

Finding of Fact:

The internal subdivision road will be built by the subdivider, and maintained by future homeowners. (Shoshone Lakes Variance Application)

Conclusion of Law:

The granting of the variance will not cause a substantial increase in public costs.

**Prerequisite Variance Criteria**

**A. Strict compliance with these regulations will result in undue hardship.**

Findings of Fact:

1. The conclusion for Criterion B is that the conditions upon which the variance is requested are not unique to the subject property.
2. The conclusion for Criterion C is that the topography of the area does not make it difficult for the applicant to meet this requirement.

Conclusion of Law:

The requirement to not exceed 1,400 feet in the construction of a cul-de-sac is not an undue hardship because the applicant could propose an alternate road design or subdivision design.

**B. Compliance is not essential to the public welfare.**

Findings of Fact:

1. The conclusion for Criterion A is that the granting of the variance will not be substantially detrimental to the public health, safety or general welfare.
2. The conclusion for Criterion D is that road standards are not addressed in the County's adopted interim zoning regulations, the voluntary zoning district standards pertaining to the property, or the County's adopted Growth Policy.
3. The conclusion for Criterion E is that the granting of the variance will not cause a substantial increase in public costs.

**Conclusion of Law:**

Compliance is not essential to the public welfare.

**C. Overall Conclusion on Hardship and Public Welfare**

The variance application does not provide evidence that there is an undue hardship. However, based on the condition of approval and recommendation of the Hamilton Rural Fire District, compliance with the RCSR is not essential to the public welfare.

**VARIANCE REQUEST #2**

The applicant is requesting a variance from Section 5-4-5(d) of the Ravalli County Subdivision Regulations, to relieve the subdivider from paying pro-rata on South Shoshone Loop. Instead the applicant is proposing to improve the portion of South Shoshone Loop leading to the subdivision to meet county standards.

**Variance Analysis**

Section 7-3-5(a), RCSR, outlines two sets of criteria to be used in analyzing a variance request.

**Prerequisite Variance Criteria**

In order for a variance to be considered for approval, the BCC must first weigh whether the variance request meets these prerequisites:

1. Strict compliance with these regulations will result in undue hardship.
2. Compliance is not essential to the public welfare.

**Variance Review Criteria**

After a determination is made on both prerequisite criteria, the BCC may then consider the five variance review criteria:

- A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.
- B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.
- C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These

conditions shall not result from the past actions of the land's current or previous owner(s).

- D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.
- E. The variance will not cause a substantial increase in public costs.

Both sets of criteria were reviewed simultaneously. Findings for Prerequisite Criterion #1 are based on an analysis of Variance Review Criteria B and C. Findings for Prerequisite Criterion #2 are based on an analysis of Variance Review Criteria A, D, and E.

### **Five Variance Review Criteria**

#### **A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

##### **Findings of Fact:**

1. South Shoshone Loop provides access to the subject property, and does not meet County Standards for new or existing construction. (Shoshone Lakes Variance Application)
2. South Shoshone Loop currently has a 24-foot wide gravel travel surface. (Shoshone Lakes Variance Application)
3. The applicant is proposing to reconstruct South Shoshone Loop to meet County standards for new construction, including the acquisition of a full 60-foot wide easement. (Shoshone Lakes Variance Application)
4. In an email received April 25, 2008, David Ohnstad, Ravalli County Road and Bridge Department Supervisor, stated that the Road and Bridge Department "would not oppose (would recommend approval) of such a variance". David continues to say that the design for South Shoshone Loop must be submitted for review along with the subdivision roadways, that South Shoshone Loop be constructed consistent with adopted design and post-construction review standards, and that a full sixty foot public use easement is dedicated to the County. (Shoshone Lakes Variance Application)
5. The Montana Department of Environmental Quality reports that fugitive dust from roadways is a source of particulate matter between 2.5 and 10 microns in size. PM-10 and PM-2.5 can contribute to several detrimental health effects, including tissue damage, bronchitis, and cardiovascular complications.  
(<http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
6. South Shoshone Loop will be reconstructed to include a permanent asphalt surface, mitigating harmful effects of fugitive dust. (Staff Determination)
7. *To mitigate effects on public health and safety, the applicant shall submit the design for South Shoshone Loop along with the design for the internal subdivision road with the preliminary plat submittal. The design shall show*

*that South Shoshone Loop is proposed to be constructed consistent with adopted design and post-construction review standards, and that a full 60-foot public use easement will be dedicated to the County. (Condition 1)*

**Conclusion of Law:**

With the mitigating condition, the granting of the variance will not be substantially detrimental to the public health, safety, or general welfare and it will be beneficial to other adjoining properties.

**B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

**Findings of Fact:**

1. The application states that the easement for South Shoshone Loop has never been formally dedicated to public use, and that with the securing of the easement, this proposal will provide for a publicly dedicated easement. (Shoshone Lakes Variance Application)
2. There are many easements in Ravalli County that are less than 60-feet wide, or that are not clearly dedicated to the public. However, Ravalli County maintains these roads and will collect pro-rata monies on them when a subdivision is accessed from them. (Staff Determination)
3. In an email received April 25, 2008, David Ohnstad, Ravalli County Road and Bridge Department Supervisor, stated that the Road and Bridge Department "would not oppose (would recommend approval) of such a variance". (Exhibit A-5, Shoshone Lakes Variance Application)
4. It is unique to have the Road and Bridge Department supervisor support the granting of a variance to pro-rata. (Staff Determination)

**Conclusion of Law:**

The conditions upon which the variance is requested are unique to the subject property.

**C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

**Findings of Fact:**

1. The application states that the physical condition of South Shoshone Loop today is substandard. (Shoshone Lakes Variance Application)
2. The physical condition of a road is used in conjunction with other metrics to determine the pro-rata amount. (RCRBD Policies)
3. Pro-rata may be applied to gravel roads, just as it can be applied to paved roads. (Staff Determination)

**Conclusion of Law:**

There are no physical conditions that prevent the applicant from meeting the strict letter of the regulations.

**D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2193). The interim zoning regulation does not address road standards.
2. The subject property is located within the South Shoshone Loop voluntary zoning district. The district establishes a minimum lot size of five acres, and does not address road standards. (Permanent file #7839)
3. Relevant countywide provisions in the Ravalli County Growth Policy are outlined in italics below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

***Countywide Goal 4: Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.***

***Countywide Policy 4.1: Encourage development that will minimize or avoid additional costs to existing taxpayers.***

***Countywide Policy 4.2: Consider cumulative impacts of development.***

***Countywide Policy 4.4: Improve and maintain existing infrastructure and public services.***

***Countywide Policy 4.5: Developers will be responsible for providing the infrastructure necessary within the development such as community water, sewage treatment and roads. A system of "nexus and proportionality" will govern external infrastructure costs attributable to the developer.***

- a. The applicant is proposing to pay the cost of improving the portion of South Shoshone Loop leading to the subdivision to meet county standards for new construction, which includes securing a 60-foot easement. (Shoshone Lakes Variance Application)

Conclusions of Law:

1. Ravalli County's interim zoning regulations and the voluntary zoning district standards associated with the property do not pertain to road construction.
2. The variance will not vary from the provisions in the Growth Policy.

**E. The variance will not cause a substantial increase in public costs.**

Findings of Fact:

1. The applicant is proposing to provide all costs associated with the reconstruction of South Shoshone Loop out of pocket. (Shoshone Lakes Variance Application)

2. The County will continue maintaining South Shoshone Loop, as it will do regardless of whether the road is paved. (Staff Determination)
3. Pro-rata for the proposed subdivision is preliminarily estimated to be \$122,722.22. (Staff Determination, Shoshone Lakes Variance Application)
4. The variance application states that the applicant will likely pay more to make physical improvements to the road than if he simply pays the pro-rata assessment. (Shoshone lakes variance Application)
5. At this time, the actual cost to perform the work necessary to bring South Shoshone Loop to meet County standards is unknown. (Staff Determination)

Conclusion of Law:

Granting this variance will not cause a substantial increase in public costs.

**Prerequisite Variance Criteria**

**D. Strict compliance with these regulations will result in undue hardship.**

Findings of Fact:

1. The conclusion for Criterion B is that the conditions upon which the variance is requested are unique.
2. The conclusion for Criterion C is that there are no physical conditions that prevent the applicant from meeting the strict letter of the regulations.

Conclusion of Law:

Strict compliance with these regulations may result in an undue hardship.

**E. Compliance is not essential to the public welfare.**

Findings of Fact:

1. The conclusion for Criterion A is that the granting of the variance will not be substantially detrimental to the public health, safety, or general welfare.
2. The conclusion for Criterion D is that road standards are not addressed in the County's adopted interim zoning regulations or the voluntary zoning district standards pertaining to the property.
3. The conclusion for Criterion E is that the granting of the variance will not cause a substantial increase in public costs.

Conclusion of Law:

Compliance is not essential to the public welfare.

**F. Overall Conclusion on Hardship and Public Welfare**

The variance application provides evidence that there may be an undue hardship and that compliance with the RCSR is not essential to the public welfare.

Commissioner Grandstaff opened public comment.

Consultant Emily Corsey stated they did submit a weed plan to the Weed District. She reviewed the proposed subdivision plat and pointed out the easement. Emily then gave a brief history of the parcels with buy/sell agreements. She stated there was a boundary line relocation done because the seller wanted to maintain financial interest in a tract and provide a means for income. Commissioner Grandstaff questioned the easement. Emily replied it is a private easement on Lakeview Drive and it has been gated. She stated they contacted Hamilton Rural Fire Department and drafted an emergency vehicle turn around and a water source. She stated the homes would also require residential water sprinklers.

Emily reviewed the requested variances and the proposal. She stated the first variance is the South Shoshone Loop. She stated she met with Road & Bridge Supervisor David Ohnstad and he is agreeable to the proposal. The proposal is instead of paying pro rata, they would acquire the 60 foot easement to dedicate it to the County and then pave the road. Emily stated they are currently having a proposal drawn by a County Attorney for the neighbors to dedicate their easements to the County. It would be the best for the neighbors to get a wider paved road. She stated it would be well worth it for the reduction of dust alone. Commissioner Grandstaff asked what would happen if the neighbors do not agree. Emily replied they would then pay pro rata for the road. They would construct the road to county standards and extend throughout the subdivision. Commissioner Driscoll questioned the cost of paving. Emily replied no hard numbers have been construed yet. Commissioner Grandstaff discussed the failure of ground water monitoring on one lot. Emily stated it was due to flood irrigating and it will be appealed.

Commissioner Thompson stated he is in agreement to granting the variance for the road. For the second variance, he is questioning why a cul de sac cannot be larger than 1400 feet. It appears if they are willing to put the turnarounds as requested, then he would be in favor of granting the variances.

**Commissioner Thompson made a motion to approve the variance request from Section 5-4-4(h), Table B-1 of the Ravalli County Subdivision Regulations, which states that the maximum length of a cul-de-sac for roads classified as local roads shall not exceed 1,400 feet based on the findings of fact and conclusions of law in the staff report, and subject to the condition in the staff report. Also that the variance from Section 5-4-5(d) of the Ravalli County Subdivision Regulations, which would require the applicant to pay pro-rata, be approved based on the findings of fact and conclusions of law in the staff report, and subject to the condition in the staff report. Commissioner Grandstaff seconded the motion.**

**Discussion:** Commissioner Driscoll expressed her concerns with no second exit from the subdivision. Emily pointed out there will be a homeowners association proposed that would help educate the neighbors. She stated the only way the road is not going to get paved is if a neighbor denies the easement. Commissioner Thompson discussed his property being similar to this property and it is a gravel road without any cul de sacs and a half mile long. He stated there has been two fires and have had no problems with emergency vehicles. There have been no accidents on Cherry Orchard Loop Road. He stated he looks at it from a common sense angle. It is a good plan. John stated he is



hearing a question of the quality of South Shoshone Loop. He stated they must also consider the quality of Nez Perce Drive and Lakeview Drive. Further discussion followed regarding other possibilities for an emergency exits. **Commissioner Grandstaff, Commissioner Thompson, Commissioner Chilcott voted 'aye'. Commissioner Driscoll voted 'nay'. Motion carried.**

► The Board met with Undersheriff Kevin McConnell and Sheriff Administrative Assistant Wanda Lorea.

Commissioner Grandstaff gave an overview of a decision needed to not layoff two employees from the Sheriff's Office. Commissioner Chilcott asked how much it would take to keep them. Kevin replied the 11.5% cut into their budget will not allow the Sheriff's Office to keep these two employees. He requested the employee action forms for layoffs be retracted. It was estimated to be at \$44,295.00 to keep them. Commissioner Driscoll stated the money will not be put back in the budget. Commissioner Chilcott stated with the PILT money, it is not enough to give the departments back the 11.5% decrease in budgets. He stated he would like to see it put into a "rainy day" account so this situation will not happen in four years when the money is no longer available. He stated he would be willing to commit the money to keep the two employees. Kevin stated the Victor incident has not accounted for as well as many other situations that are not accounted for and the Sheriff's Office needs the funding. Commissioner Grandstaff expressed her concerns with setting precedence for funding requests from other departments. Wanda stated the Sheriff's Office is the only department that has to resort to layoffs. Commissioner Thompson stated after seeing how much was coming from PILT, it was realized it would not fund the requested 11.5% budget decrease. He stated he does not want to see anyone lost their jobs right now with the economy. **Commissioner Chilcott made a motion to withdraw the employee action forms for administrative position and patrol position to avoid layoffs. Commissioner Driscoll seconded the motion and all voted 'aye'.**